

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6453

BILL NUMBER: SB 81

DATE PREPARED: Nov 29, 2000

BILL AMENDED:

SUBJECT: Postconviction DNA Testing and Analysis.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a person who was convicted of and sentenced for an offense to petition a court to require the forensic DNA testing and analysis of any evidence that: (1) is in the possession or control of a court or the state or otherwise contained in the Indiana DNA data base; (2) is related to the investigation or prosecution that resulted in the person's conviction; and (3) may contain biological evidence. It requires the court under certain circumstances and allows the court under other circumstances to order the DNA testing and analysis. It provides that if the results of the post-conviction DNA testing and analysis: (1) are not favorable to the person who was convicted of the offense, the court must dismiss the person's petition; and (2) are favorable to the person who was convicted of the offense, the court must order a new trial based on the results of the DNA testing and analysis and make any additional orders that are required under state law.

Effective Date: July 1, 2001.

Explanation of State Expenditures: The Indiana State Police operates a laboratory which administers the Convicted Offender Data Base and provides DNA testing when there is biological evidence in criminal cases. The Convicted Offender Data Base includes the DNA profiles of almost 20,000 offenders who are in DOC facilities.

If the court orders forensic DNA analysis of any evidence that is in the Criminal Offender Data Base, then the scientists and technicians employed by the State Police would be responsible for performing this work. The scientists and key staff who are responsible for this analysis may also be required to testify as expert witnesses during any trials concerning the results and accuracy of the analysis performed. If courts order that more analyses involving DNA materials be analyzed, then the workload would likely increase for the State Police laboratory.

The funds and resources required above could be supplied through a variety of sources, including the

following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (there were 217 vacant positions in the Indiana State Police as of November 2000); (4) Funds that, otherwise, would be reverted (the State Police reverted \$143,118 to the General Fund in FY 2000); or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: If a convicted offender petitions the sentencing court, a court may order that biological evidence collected at the crime scene be compared with a DNA sample of the convicted offender. Then, the offender, through legal counsel would employ a private laboratory approved by the American Society of Crime Laboratory Directors Laboratory Accreditation Board to do this analysis. Four private laboratories are accredited nationwide which can perform DNA analysis. The estimated cost of analyzing a single sample is \$1,000. Depending on the offender's financial status, the court may require the person who was convicted of the offense to pay the costs associated with the DNA testing and analysis.

Added expenditures for the local courts would depend on the number of requests that offenders make, the ability of the offenders to pay for the analyses, and the number of samples that would have to be analyzed in any particular case.

The sentencing courts in Indiana have reportedly allowed offenders to petition for post-conviction testing of biological samples since 1992.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial courts.

Information Sources: Eric Lawrence, Director of Forensic Analysis, Indiana State Police, 1999 Indiana State Police; Steve Johnson, Prosecuting Attorneys Council.